

# PLANNING COMMISSION MINUTES

December 18, 2002

## CALL TO ORDER:

Chairman Vlad Voytilla called the meeting to order at 7:02 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

## ROLL CALL:

Present were Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Gary Bliss, Eric Johansen, Dan Maks, and Scott Winter. Planning Commissioner Shannon Pogue was excused.

Development Services Manager Steven Sparks, AICP; Senior Planner Kevin Snyder; Senior Planner John Osterberg; Associate Planner Sambo Kirkman; Associate Planner Scott Whyte; Assistant City Attorney Ted Naemura; and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

## VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

## STAFF COMMUNICATION:

Staff indicated that there were no communications at this time.

## OLD BUSINESS:

Chairman Voytilla opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of

any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

**CONTINUANCES:**

**A. RZ 2002-0021 – PROGRESS REZONE AT SW HALL BOULEVARD: ZONE CHANGE – R-2 TO CS**

(Continued from December 4, 2002)

The applicant requests approval of a Zone Change from Urban Medium Density (R-2) to Community Service (CS). The property is generally located on the north side of SW Hall Boulevard and east of SW Scholls Ferry Road, can be specifically identified as Tax Lot 800 on Washington County Assessor's map 1S1-26BC, and is approximately 0.24 acres in size.

Chairman Voytilla briefly discussed the two previous hearings which resulted in three Commissioners in support of and three Commissioners opposed to this application.

Chairman Voytilla described his concerns with this application, adding that he is not able to support this application based upon the Comprehensive Plan Goal Nos. 6.2.3.H, 6.2.4.C, and 6.2.4.F.

Commissioner Maks summarized his concerns with regard to traffic and other issues, adding that he is unable to support this application that does not meet Goals listed within the Comprehensive Plan.

Commissioner Bliss stated that his opinion has not changed, adding that he still supports this application.

Commissioner Johansen stated that he has not changed his opinion and would not support a motion to approve this application.

Commissioner Barnard noted that he is still in favor of this application.

Observing that his opinion has not changed, Commissioner Winter stated that while he shares the concerns of his fellow Commissioners, he would support a motion for approval of this application.

Emphasizing the necessity of making a decision on this issue in favor of yet another continuance, Commissioner Maks respectfully requested

1 that a member of the Planning Commission consider reversal of his  
2 vote.

3

4 Pointing out that he is not certain of the appropriate etiquette with  
5 regard to this situation, Commissioner Barnard stated that because  
6 Commissioner Pogue was clearly opposed to this application, it is his  
7 opinion that his presence would result in a denial, adding that he is  
8 willing to reverse his vote in the interest of making a decision that  
9 most reflects the intent of the majority of the Planning Commission.

10

11 Chairman Voytilla passed the gavel to Vice-Chairman Barnard.

12

13 Chairman Voytilla **MOVED** that RZ 2002-0021 – Progress Rezone at  
14 SW Hall Boulevard Zone Change from R-2 to Community Service be  
15 **DENIED**, based upon failure to meet the findings of Comprehensive  
16 Code Goal Nos. 6.2.3.H, 6.2.4.C, and 6.2.4.F.

17

18 Commissioner Maks requested that the motion maker amend his  
19 motion to direct staff to return with a Land Use Order that includes  
20 previous findings from the prior hearing as well for review and  
21 approval.

22

23 Chairman Voytilla accepted Commissioner Maks' friendly amendment  
24 and directed staff to return with a Land Use Order that includes  
25 previous findings from the prior hearing as well for review and  
26 approval.

27

28 Commissioner Maks **SECONDED** the motion, as amended.

29

30 Emphasizing that today is the last day providing any time to  
31 accommodate any potential appeal, Development Services Manager  
32 Steven Sparks advised the Planning Commissioners that staff has no  
33 time to return with this order, which must be signed and mailed  
34 tomorrow.

35

36 Commissioner Maks **WITHDREW** his second of the motion for  
37 approval including direction to staff to return with a Land Use Order  
38 that includes previous findings from the prior hearing as well for  
39 review and approval.

40

41 Commissioner Maks requested that the motion maker amend his  
42 motion to direct staff to cite the criteria cited this evening plus criteria  
43 identified in previous deliberations in support of a motion for denial of  
44 this application.

Chairman Voytilla **MOVED** that RZ 2002-0021 – Progress Rezone at SW Hall Boulevard Zone Change from R-2 to Community Service be **DENIED**, based upon failure to meet the findings of Comprehensive Code Goals 6.2.3.H, 6.2.4.C, and 6.2.4.F, and accepted Commissioner Maks’ friendly amendment to direct staff to cite the criteria cited this evening plus criteria identified in previous deliberations in support of a motion for denial of this application.

Commissioner Maks **SECONDED** the motion, as amended.

Motion **CARRIED** by the following vote:

**AYES:** Barnard, Johansen, Maks, and Voytilla.

**NAYS:** Bliss and Winter.

**ABSTAIN:** None.

**ABSENT:** Pogue.

Vice-Chairman Barnard returned the gavel to Chairman Voytilla.

7:16 p.m. – Ms. Kirkman left.

**B. TA 2002-0001 – CHAPTER 60 (Special Requirements), CHAPTER 20 (Land Uses), CHAPTER 30 (Permits and Applications), AND CHAPTER 90 (Definitions) TEXT AMENDMENTS**

This is a request for Planning Commission approval of a City-initiated series of amendments to sections of the Development Code for the implementation of regulations and standards for wireless communications facilities. Wireless communication facilities include, but are not limited to, cellular phone towers, antenna panels and arrays, and satellite dishes. The amendments to Chapter 60 will create a new section, and will modify the special use regulations for height exemptions. The new section in Chapter 60 will establish applicability standards, exemptions, development standards including but not limited to standards for height, setbacks, and design, special study requirements, temporary use standards, collocation standards and standards for abandoned facilities. Text amendments to Chapter 20 (Land Uses), Chapter 40 (Applications), and Chapter 90 (Definitions) are also proposed to support the implementation of the proposed regulations and standards for wireless communications facilities. Amendments to Chapter 20 (Land Uses) are necessary to address the permitted, conditional and prohibited use status of wireless communication facilities in established zoning districts. Amendments to Chapter 40

1 (Applications) are necessary to identify the applicable permit  
2 applications for the different types of wireless communication  
3 facilities specified in the new section of Chapter 60.  
4 Amendments to Chapter 90 (Definition) are necessary to define  
5 key terms specific to wireless communication facilities identified  
6 in the new section of Chapter 60.  
7

8 Senior Planner Kevin Snyder explained that he is returning with  
9 staff's latest version of the proposed text amendment, adding that he  
10 had attempted to address the Planning Commission's direction from  
11 the meeting of November 20, 2002 meeting.  
12

13 Mr. Snyder briefly highlighted what he considers to be the key  
14 revisions to the proposed text, pointing out that references to satellite  
15 earth stations have been removed and replaced with satellite antennas  
16 in Chapters 20 and 40, as well as Section 60.70. He explained that this  
17 is intended to be more inclusive of the different types of satellite  
18 facilities, adding that the Planning Commission had indicated that the  
19 previous term was confusing and that they would prefer a more  
20 appropriate term. He explained that revisions to the different  
21 standards with regard to land uses and types of application review are  
22 based on the number and size of antennas, noting that this hopefully  
23 addresses issues of land use compatibility and community aesthetics.  
24

25 Referring to Section 60.70, Mr. Snyder noted that satellite antennas  
26 have been excluded from the proposed development standards for  
27 Wireless Communications Facilities within Section 60.70.35, observing  
28 that this is consistent with the direction of the Planning Commission.  
29 He identified that specific development standards for satellite  
30 antennas have been developed and are included in the latest version of  
31 the amendments to Section 60.70 for the Planning Commission's  
32 review.  
33

34 Mr. Snyder explained that consistent with the direction of the  
35 Planning Commission, staff had also engaged in a number of revisions,  
36 including the elimination of regulations with regard to sheltering with  
37 trees, the addition of regulations with regard to the construction of  
38 roof-mounted antennas, the addition of regulation with regard to the  
39 construction of structure-mounted antennas, the addition of standards  
40 for Wireless Communication Facilities within the public right-of-way,  
41 and the addition of standards for non-exempt amateur radio facilities  
42 to support proposed exemption language in Section 60.70.20.1.C.  
43

1 At the request of Mr. Snyder, the Recording Secretary distributed  
2 copies of a Memorandum, dated December 17, 2002, with regard to  
3 Proposed Minor Revisions to Proposed Section 60.70.45 (Requirements  
4 for Non-Exempt Amateur Radio Facilities).

5  
6 Mr. Snyder briefly described both the key and minor revisions  
7 proposed by staff.

8  
9 Chairman Voytilla commended Mr. Snyder for his preparation of an  
10 exemplary document.

11  
12 Commissioner Maks echoed Chairman Voytilla's compliment to Mr.  
13 Snyder, adding that staff's efforts have resulted in one of the easiest  
14 jobs of crafting new text that he had experienced during his service on  
15 the Planning Commission.

16  
17 Referring to Section 44.60.70.05.D, Commissioner Maks expressed his  
18 opinion that this section should reflect structural safety, rather than  
19 safety.

20  
21 Commissioner Maks referred to page 88, which addresses noise  
22 buffering, adding that he would like to eliminate the phrase  
23 "consistent with noise standards established by the Oregon  
24 Department of Environmental Quality (DEQ)", and expressed his  
25 opinion that all noise generated by a facility should be minimized as  
26 much as possible regardless of DEQ standards.

27  
28 Commissioner Barnard questioned the necessity of creating  
29 measurable criterion with regard to noise levels.

30  
31 Mr. Snyder agreed that establishing measurable criterion with regard  
32 to noise levels is a challenge, emphasizing that staff is attempting to  
33 provide clear and objective standards, including a specific point of  
34 reference with regard to measurement.

35  
36 Referring to page 90 of 105, with regard to parking, Commissioner  
37 Maks requested clarification as to whether the parking space needs to  
38 be paved.

39  
40 Observing that this issue had been raised at the first hearing on  
41 September 11, 2002, Mr. Snyder stated that staff had identified at that  
42 time that this would normally be subject to the Design Review process.  
43 He explained that while standards generally include the paving of

1 parking areas, the decision-making body would have the option to  
2 consider an alternate option.

3

4 Referring to page 98 of 105, Commissioner Maks requested  
5 clarification of the following statement: "Please provide us with this  
6 information within ten business days after the date of this letter. Your  
7 cooperation is appreciated." Observing that this involves one provider  
8 sending a letter to another provider with regard to a collocation  
9 request, he pointed out that ten business days might be awfully  
10 stringent.

11

12 Mr. Snyder advised Commissioner Maks that while the City of Tigard's  
13 regulations provide for ten days, the City of Eugene's allows for 14  
14 days, adding that it would be possible to increase this time constraint,  
15 if necessary.

16

17 Referring to page 83 of 105 with regard to exemptions, Commissioner  
18 Maks questioned how AM and FM radio broadcast towers would be  
19 addressed in the future.

20

21 Mr. Snyder responded that staff has purposely not addressed this issue  
22 within this text amendment, emphasizing that it is staff's belief that  
23 these facilities create unique land use issues and impacts. He pointed  
24 out that this item would most likely be addressed as a future text  
25 amendment action.

26

27 Commissioner Maks referred to page 75 of 105, requesting clarification  
28 of Threshold No. 27, which addresses the number of antennas allowed  
29 on a site.

30

31 Mr. Snyder informed Commissioner Maks that in the context of  
32 supporting collocation, staff is attempting to balance the type of land  
33 use process that is necessary. He explained that staff is recommending  
34 that in the event of collocation on an existing tower that exceeds the  
35 height of the underlying zoning district, while it is still appropriate to  
36 provide the collocation opportunity, staff wants to make certain that  
37 an adequate level of Design Review exists. He pointed out that the  
38 added language provides that an Adjustment or Variance would be  
39 necessary in order to exceed any height restriction.

40

41 Referring to page 77 of 105, which relates to additional thresholds,  
42 Commissioner Maks requested clarification of No. 11.

43

1 Mr. Snyder explained that the intent addresses instances in which  
2 physical, natural, or built constraints do not allow for the required 50-  
3 foot setback, emphasizing that this would warrant a Type 3 Design  
4 Review, in order to provide for adequate design considerations.  
5

6 Expressing his appreciation of staff's efforts with regard to the  
7 proposed text amendment, Commissioner Johansen noted that he has  
8 concerns with regard Section 60.70.35.19 as currently proposed. He  
9 identified the possibility that these facilities could potentially be  
10 located on streetlights within residential neighborhoods. He pointed  
11 out that any change in the appearance of a streetlight in his  
12 neighborhood would most certainly get the attention of his neighbors,  
13 requesting clarification with regard to how this impact would be  
14 mitigated.  
15

16 Mr. Snyder explained that at the direction of the Planning  
17 Commission, staff has developed standards for Wireless  
18 Communications Facilities on public roads rights-of-way, adding that  
19 the intent was to recognize the allowance and application procedures  
20 identified within Chapters 20 and 40. He clarified that these  
21 procedures address the allowance and application for the siting of  
22 these facilities within the public right-of-way, limited to installation on  
23 streetlights, adding that this excludes streetlights on poles, traffic  
24 signals, and high-voltage power poles. He emphasized that while the  
25 majority of these facilities are generally within the public right-of-way,  
26 those located on private property create a different situation.  
27

28 Commissioner Johansen requested information with regard to a pole  
29 located on private property while extending over the public right-of-  
30 way.  
31

32 Mr. Snyder responded that the intent for drafting these regulations  
33 was to provide standards for those areas over which the City of  
34 Beaverton has direct regulatory authority, adding that the City does  
35 not necessarily have any direct control over any private development,  
36 either direct or indirect, that spans over the public right-of-way. He  
37 pointed out that any facility that hangs over the public right-of-way  
38 might involve legal issues, adding that a situation could deteriorate if  
39 the City authorizes this to occur. He suggested the option of limiting  
40 these facilities to certain streets, such as arterial streets.  
41

42 Commissioner Johansen noted that he would prefer the option of  
43 limiting these facilities to arterial streets.  
44



1 Chairman Voytilla requested clarification with regard to the location of  
2 the equipment for this type of installation.

3  
4 Mr. Snyder advised Chairman Voytilla that the presumption is that  
5 this equipment would be installed underground, adding that it could  
6 also be located above-ground off site on private property, emphasizing  
7 that any such facility would be required to fit into the character of the  
8 neighborhood.

9  
10 Observing that he shares Commissioner Johansen's reservations and  
11 also prefers to limit these facilities to arterial and/or collector streets,  
12 Commissioner Maks stated that this should address the majority of the  
13 needs of the service provider as well. He pointed out that allowing this  
14 use could potentially eliminate the necessity of allowing an 80-foot  
15 tower at some point in the future.

16  
17 Commissioner Johansen questioned the possibility of requiring a  
18 conditional use for these facilities.

19  
20 Observing that a conditional use is possible, Mr. Snyder noted that  
21 currently this use is identified in Chapter 20 as a permitted use as a  
22 form of incentive, specifically allowing for collocation as an alternative  
23 to a new tower. He mentioned the possibility that this might create a  
24 disincentive for service providers, adding that Consultant Bev Bookin  
25 has advised him that there is an increasing interest in utilizing the  
26 public right-of-way in order to reduce cost and timing issues.

27  
28 Commissioner Johansen emphasized that this would not create a one  
29 for one trade off, noting that it would be necessary to install multiple  
30 smaller facilities in place of one large monopole.

31  
32 Mr. Snyder explained that these facilities would most likely be spread  
33 throughout the proposed service area, adding that limiting these  
34 facilities to arterial and/or collector streets may preclude the  
35 opportunity for utilizing this option in certain areas, simply because  
36 there are no arterial and/or collector streets available in close  
37 proximity.

38  
39 Commissioner Maks mentioned that some very tall streetlights are  
40 located along SW Murray Boulevard.

41  
42 Commissioner Johansen stated that while he is not uncomfortable with  
43 locating these facilities on arterial streets, he is not certain that he is

1 willing to consider collector streets as well, adding that this would  
2 potentially impact the individual neighborhoods.

3  
4 Mr. Snyder clarified that in considering the option of locating these  
5 facilities within public rights-of-way, staff has been concerned with  
6 community aesthetics.

7  
8 Noting that the Development Code should carry the weight of any  
9 decision, Commissioner Maks suggested that a facility located on an  
10 arterial street should be an outright use and not require a conditional  
11 use.

12  
13 Observing that Type 2 Design Review would be required for any  
14 installation, Mr. Snyder pointed out that this would provide for public  
15 noticing. He explained that this level provides notification to property  
16 owners within 300 feet on all sides of the proposal, adding that while  
17 this involves administrative review and does not normally involve a  
18 public hearing, unless an appeal is filed, individual property owners  
19 would be provided with the opportunity to comment.

20  
21 Commissioner Bliss expressed his agreement with Commissioner  
22 Johansen's comments, adding that he supports this opinion with Item  
23 No. G, under 19, on page 93 of 105. He noted that he has difficulty  
24 visualizing a stealth equipment cabinet installed on a pole.

25  
26 Mr. Snyder pointed out that staff had determined that there may be  
27 instances in which there is no alternative option beyond mounting the  
28 equipment to a pole, emphasizing that because they have the ultimate  
29 control of the public right-of-way, the City of Beaverton has the option  
30 of denial.

31  
32 Commissioner Johansen expressed his support of the previous  
33 comments of Commissioner Maks.

34  
35 Referring to page 32 of 105, specifically addressing the Campus  
36 Industrial, Light Industrial, and Industrial Parks zoning districts,  
37 Commissioner Winter noted that this includes up to two satellite  
38 antennas five meters or less in diameter. He mentioned the possibility  
39 of *Bubba's Sports Bar* wishing to have multiple television stations  
40 going on, and questioned whether a Conditional Use Permit would be  
41 required.

42  
43 Mr. Snyder stated that this is the intent, adding that this would create  
44 a fairly significant visual aesthetic impact on a neighborhood. He

1 emphasized the importance of recognizing situations that might  
2 include smaller satellites, adding that while this is staff's  
3 recommendation, the Planning Commission has the option of  
4 increasing or revising the number of satellites permitted before  
5 requiring a conditional use.

6  
7 Observing that he is more comfortable with conditional use than  
8 design review, Commissioner Johansen stated that while he is  
9 agreeable with permitting outright on arterial streets; collectors, local  
10 streets and neighborhood routes in non-residential zoning districts  
11 should require a conditional use; and this use should be prohibited on  
12 local streets and neighborhood routes within residential zoning  
13 districts.

14  
15 Commissioner Maks questioned whether staff feels that this should  
16 involve a Type 3 Design Review.

17  
18 Mr. Snyder responded that this is a potential option or alternative to  
19 other ways of citing these facilities.

20  
21 Commissioner Johansen emphasized that the highest level of  
22 standards should apply within the residential zoning districts.

23  
24 Mr. Sparks strongly recommended that the Planning Commission does  
25 not differentiate between residential and non-residential collector  
26 streets, adding that this is complicated administratively and that staff  
27 does not recognize this. He suggested that consideration be given to  
28 the four categories within the Comprehensive Plan, specifically  
29 collector street, arterial street, local street, or neighborhood route.

30  
31 Commissioner Maks suggested that collector streets, local streets, and  
32 neighborhood routes require a Type 3 Design Review process.

33  
34 Commissioner Maks referred to Commissioner Winter's issue with  
35 regard to *Bubba's Sports Bar*.

36  
37 Chairman Voytilla explained that more than two satellite antennas  
38 would require a conditional use.

39  
40 Commissioner Maks requested clarification with regard to the number  
41 of satellite antennas generally utilized by such an establishment.

42  
43 Commissioner Winter emphasized that his concern involves how much  
44 regulation should be inflicted upon a small business owner.

1 Chairman Voytilla pointed out that these facilities are often difficult to  
2 screen and often create aesthetic issues.

3  
4 Mr. Sparks interjected that with regard to utilities within road right-  
5 of-ways, it might be advisable to also include freeways with the  
6 arterial street classification.

7  
8 Commissioner Barnard pointed out that this document does not  
9 address antennas that are less than one meter in diameter.

10  
11 Mr. Snyder observed that facilities of one meter or less in diameter  
12 within residentially zoned areas, and facilities of two meters or less in  
13 diameter in commercially or industrially zoned areas are exempted  
14 from local regulation, consistent with the 1996 Telecommunications  
15 Reform Act.

16  
17 Commissioner Barnard pointed out that *Bubba's Sports Bar* could have  
18 multiple antennas that are one meter or less in diameter without being  
19 subject to these regulations.

20  
21 Commissioner Maks referred to issues that had been discussed with  
22 regard to establishing noise standards.

23  
24 Commissioner Barnard expressed his opinion that some ambient or  
25 DEQ noise standards should be established.

26  
27 Mr. Snyder pointed out that the Development Code already references  
28 noise standards established by DEQ.

29  
30 Commissioner Bliss noted that DEQ standards do not cover every  
31 possible issue, suggesting that the text amendment address the  
32 existing ambient noise level.

33  
34 Commissioner Maks suggested the possibility of establishing a  
35 standard providing for no more than an increase of three decibels.

36  
37 Mr. Snyder explained that conditions addressing the ambient noise  
38 level is quantifiable and can provide a measurable standard.

39  
40 Mr. Sparks stated that staff is very hesitant to establish an ambient  
41 noise standard, adding that this would require defining an entirely  
42 new procedure in terms of what this standard is, when it is measured,  
43 how do you measure it, and from where do you measure it. He  
44 emphasized that this would involve a very lengthy procedure, noting

1 that staff has specifically referenced DEQ standards for the purpose of  
2 avoiding this particular issue.

3  
4 Referring to Commissioner Bliss' comment with regard to DEQ  
5 standards that do not cover every situation, Commissioner Maks  
6 emphasized that he is not in support of establishing some level of  
7 ambient noise standards.

8  
9 Commissioner Maks **MOVED** and Commissioner Barnard  
10 **SECONDED** a motion to **APPROVE** TA 2002-0001 – Chapter 60  
11 (Special Requirements), Chapter 20 (Land Uses), Chapter 40 (Permits  
12 and Applications), and Chapter 90 (Definitions) Text Amendments,  
13 based upon the testimony, reports and exhibits, and new evidence  
14 presented during the Public Hearing on the matter, and upon the  
15 background facts, findings and conclusions found in the Staff Report  
16 dated December 11, 2002, as amended, including the Staff  
17 Memorandum dated December 17, 2002, and directing staff to modify  
18 D on page 81 of 105 to read, as follows: “....minimizes the adverse  
19 visual aesthetic, and structural safety impacts of Wireless  
20 Communications Facilities on residential neighborhoods and on the  
21 community as a whole”, on page 88 of 105, Item 8 – Noise, to read, as  
22 follows: “Noise-generating equipment shall be sound buffered by  
23 means of baffling of structural barriers to reduce the sound level  
24 measured at the property line abutting residential and multiple-use  
25 zoning districts”, and directing staff, with regard to the Development  
26 Code Chapters 20 and 40 and Section 60.70 for the changes to public  
27 roads rights-of-way, and follow the direction of the Planning  
28 Commission to require a Design Review Level 2 for freeways and  
29 arterials and a Design Review Level 3 for collectors, neighborhood  
30 routes, and local streets.

31  
32 Motion **CARRIED**, by the following vote:

33  
34 **AYES:** Barnard, Bliss, Johansen, Maks, Voytilla, and  
35 Winter.

36 **NAYS:** None.

37 **ABSTAIN:** None.

38 **ABSENT:** Pogue.

39  
40 8:25 p.m. to 8:31 p.m. – recess.

41  
42 8:31 p.m. – Mr. Snyder left.

43

1 **NEW BUSINESS:**

2  
3 **PUBLIC HEARINGS:**

4  
5 **A. CU 2002-0032 – THE ROUND HEALTH CLUB: REQUEST**  
6 **TO EXCEED GROSS FLOOR AREA ALLOWANCE**

7 The applicant is requesting approval of a Conditional Use  
8 Permit to allow the use of a proposed recreational facility of  
9 approximately 37,623 square feet, which exceeds the permitted  
10 maximum of 20,000 square feet in the Regional Center-Transit  
11 Oriented District (Development Code Section 20.20.43.A.16).  
12 The proposed recreational facility will be located in an  
13 approximately 180,300 square foot mixed use building that is  
14 proposed as part of The Round at Beaverton Central.  
15

16 On question Senior Planner John Osterberg stated that no film of the  
17 site is available.  
18

19 Commissioners Bliss, Winter, Johansen, Barnard and Maks and  
20 Chairman Voytilla all indicated that they are familiar with the site  
21 and have had no contact with any individual(s) with regard to this  
22 application.  
23

24 Mr. Osterberg briefly summarized the Staff Report requesting  
25 approval of a Conditional Use Permit, which he described as being  
26 fairly limited in scope. Observing that the Board of Design Review  
27 would be considering a related Type 3 Design Review and an  
28 Adjustment the following evening, he noted that page 1 of the Staff  
29 Report should be amended to reflect the hearing date of December 18,  
30 2002, rather than December 19, 2002. Concluding, he stated that the  
31 application meets all applicable criteria and recommended approval,  
32 including three Conditions of Approval, and offered to respond to  
33 questions.  
34

35 Referring to the Traffic Report, Commissioner Bliss questioned why  
36 staff saw no reason to take suggestion of the Traffic Engineer with  
37 regard to Conditions of Approval relating to implement a parking  
38 monitoring program and travel demand management program.  
39

40 Mr. Osterberg advised Commissioner Bliss that staff's finding in  
41 regard to this issue determined that this is not closely related to the  
42 issue of Conditional Use Permit.  
43

1 Commissioner Bliss observed that while he appreciates Mr.  
2 Osterberg's comments, this particular use is one of the highest traffic  
3 generators, adding that this is predicated upon 429 parking spaces  
4 that are basically not available because they are displaced and severed  
5 by mass transit track. He pointed out that everyone would attempt to  
6 park as closely as possible before parking at the back forty, and  
7 questioned whether how many times vehicles would enter and exit the  
8 site had been considered with regard to the trips generated.  
9

10 Mr. Osterberg stated that staff does not agree with Commissioner  
11 Bliss' comments, adding that the Traffic Analyst has recommended a  
12 variety of self-imposed conditions that would be recommended to the  
13 Board of Design Review for their process.  
14

15 Commissioner Bliss emphasized that he is having difficulty  
16 determining the impacts involved.  
17

18 Observing that the scope of the Planning Commission is very limited  
19 with regard to this issue, Commissioner Maks stated that one could  
20 argue that 7,200 feet could potentially create several additional  
21 vehicular trips. He referred to the Traffic Engineer's Report, noting  
22 that there are several issues that should be addressed by the Board of  
23 Design Review, including a significant lack of site distance and speed  
24 limits that could create a safety hazard.  
25

26 **APPLICANT:**  
27

28 **DAVID CONVERSE**, representing *Converse Architecture* on behalf of  
29 the developers, introduced himself and Alisa Pyszka from *WRG Design*  
30 *Group*.  
31

32 **ALISA PYSZKA**, representing *WRG Design Group* stated her name  
33 and address and agreed to complete and submit a yellow testimony  
34 card.  
35

36 Mr. Converse noted that he is aware that the Planning Commission is  
37 very familiar with the development, adding that he and Ms. Pyszka  
38 are basically available to respond to questions. He assured  
39 Commissioner Bliss that the applicant fully intends to implement the  
40 traffic monitoring program that has been recommended, noting that  
41 this would be addressed through one of the Conditions of Approval.  
42

1        **PUBLIC TESTIMONY:**

2  
3        No member of the public testified with regard to this application.

4  
5        The public portion of the Public Hearing was closed.

6  
7        Staff had no further comments with regard to this application.

8  
9        Assistant City Attorney Ted Naemura had no comments with regard to  
10       this proposal.

11  
12       Commissioners Bliss, Winter, Maks, Johansen and Barnard and  
13       Chairman Voytilla expressed their support of a motion for approval.

14  
15       Commissioner Maks **MOVED** and Commissioner Barnard  
16       **SECONDED** a motion to **APPROVE** CU 2002-0032 – The Round  
17       Health Club Request to Exceed Gross Floor Area Allowance, based  
18       upon the testimony, reports and exhibits, and new evidence presented  
19       during the Public Hearing on the matter, and upon the background  
20       facts, findings and conclusions found in the Staff Report dated  
21       December 11, 2002, as amended, including Conditions of Approval Nos.  
22       1 through 23.

23  
24       Motion **CARRIED**, unanimously.

25  
26       **APPROVAL OF MINUTES:**

27  
28       Minutes of the meeting of October 2, 2002, submitted. Commissioner  
29       Barnard **MOVED** and Commissioner Maks **SECONDED** a motion  
30       that the minutes be approved as written.

31  
32       Motion **CARRIED**, unanimously, with the exception of Commissioner  
33       Bliss, who abstained from voting on this issue.

34  
35       **MISCELLANEOUS BUSINESS:**

36  
37       Mr. Sparks distributed copies of the three Land Use Orders relating to  
38       the proposal for Sunrise at Cooper Mountain for review.

39  
40       Mr. Sparks summarized the major points of the Land Use Order with  
41       regard to the request for a Conditional Use Permit for a Planned Unit  
42       Development and the organization of the orders, which have been  
43       divided into three sections, and discussed the number of approval  
44       criteria and policies with regard to financial feasibility, transportation,



1 adequate circulation, compatibility and impact. Apologizing for  
2 presenting the completed Land Use Orders in what he referred to as  
3 the *11<sup>th</sup> Hour*, he emphasized that these documents were difficult to  
4 prepare while maintaining adequate time for review by the City  
5 Attorney and other members of the staff. Concluding, he offered to  
6 respond to questions.

7  
8 Commissioner Maks expressed his opinion that the Land Use Orders  
9 had adequately captured the intent of the motion-maker's motion for  
10 denial of the three applications.

11  
12 Chairman Voytilla stated that his recollection of both the applicant's  
13 testimony and the ensuing discussion by members of the Planning  
14 Commission indicates that it had been clearly understood that a  
15 requirement exists with regard to the creation of a common tract  
16 pursuant to the regulations of *Clean Water Services*, and questioned  
17 whether this requirement is included within the documents.

18  
19 Mr. Sparks advised Chairman Voytilla that it would be possible to  
20 include information within the documents that would clarify this issue.

21  
22 Chairman Voytilla pointed out that there had been concern expressed  
23 with regard to assuring adequate maintenance of the tracts, adding  
24 that the typical method for addressing this situation is through a  
25 Homeowner's Association, which the applicant had deliberately  
26 omitted.

27  
28 Mr. Sparks agreed with Chairman Voytilla's comments, adding that it  
29 is up to members of the Planning Commission to determine whether  
30 this is an accurate reflection. He suggested inserting this information  
31 with regard to the integrity of the maintenance of the open space tracts  
32 that are held in multiple private ownership somewhere within the  
33 discussion on page 10 of 18, noting that a number of policies are listed  
34 under Goal 7.3.3.1.

35  
36 Chairman Voytilla referred to the Variance application, specifically the  
37 potential for disparity at the rear property lines, and expressed  
38 concern with creating a quality of life impact on some of these  
39 properties.

40  
41 Referring to page 16 of 18, Mr. Sparks mentioned the approval criteria  
42 with regard to compatibility, livability, and appropriate development of  
43 other properties, adding that this would be the most appropriate  
44 section to address this issue. He suggested a new second sentence to

1 page 17 Of 18, as follows: "Given the topography of the subject site, the  
2 proposed blanket reduction of rear yard setbacks on a majority of the  
3 lots would create incompatible and negative impact on the appropriate  
4 development of the neighborhood."  
5

6 Commissioner Maks emphasized that the major issue involves what he  
7 referred to as the blanket reduction.  
8

9 Chairman Voytilla pointed out that it is difficult to grant a blanket  
10 approval, adding that he would like to compliment staff for preparing  
11 these documents with such accuracy following such lengthy  
12 deliberations.  
13

14 Mr. Sparks stated that with regard to the remaining Land Use Orders,  
15 specifically relating to the appeal of the denial for the Subdivision and  
16 the Tree Preservation Plan, by virtue of denying the Conditional Use  
17 Permit for the Planned Unit Development, the other applications did  
18 not meet all applicable requirements. He pointed out these  
19 applications were required to stand on their own merit and failed.  
20

21 Mr. Sparks explained that he has had contact with the applicant,  
22 adding that while he is unable to speak on the applicant's behalf, they  
23 may or may not appeal these decisions. He noted that presuming that  
24 they do appeal, several options may occur, including a Public Hearing  
25 either on the record or de novo, adding that the City Council would  
26 make this decision. He pointed out that the applicant would also have  
27 the option of appealing to the City Council and request that the matter  
28 be returned to the Planning Commission on remand, at which point  
29 several options would be available.  
30

31 Commissioner Barnard briefly discussed the success of the holiday  
32 luncheon hosted by the Planning Commissioners on behalf of staff, and  
33 mentioned that the bill is now due.  
34

35 On behalf of staff, Mr. Sparks expressed appreciation to members of  
36 the Planning Commission, adding that the luncheon had been  
37 thoroughly enjoyed by all who attended.  
38

39 Observing that no one who attended had become ill, Commissioner  
40 Barnard advised his fellow Planning Commissioners that the final cost  
41 associated with the luncheon is \$185.13, adding that the individual  
42 share for each Planning Commissioners is \$26.45.  
43

1 Commissioner Johansen observed that the cost had been greater when  
2 Commissioner Maks had made the arrangements.

3  
4 Commissioner Maks pointed out that he does not manage a *Safeway*  
5 *Store*.

6  
7 Mr. Sparks expressed his opinion that Commissioner Barnard also  
8 furnishes better food.

9  
10 Commissioner Maks mentioned that he had also obtained the food  
11 from *Safeway Store*, observing that it had cost him more, and  
12 expressed his appreciation to Commissioner Barnard for making the  
13 arrangements for the luncheon.

14  
15 Chairman Voytilla noted that staff has requested a Study Session on  
16 January 8, 2003, with regard to the Tree Project, adding that staff  
17 would make arrangements for food for this Study Session that would  
18 begin at 6:00 p.m. He pointed out that a lot of items are on the agenda  
19 on this date.

20  
21 Mr. Sparks expressed appreciation to members of the Planning  
22 Commission for agreeing to meet this evening.

23  
24 Observing that this is his final meeting as Chairman, Chairman  
25 Voytilla expressed his appreciation to his fellow Planning  
26 Commissioners for their support over the past year.

27  
28 The meeting adjourned at 9:33 p.m.